

SANTA FE COUNTY
TECHNICAL ADVISORY COMMITTEE

April 25, 2016

Re: Conceptual Plan to Amend PD-2 Galisteo Basin Preserve/Trenza to allow a Wireless Communication Facility within the PD as a Permitted Use.

Mr. Harrison:

Thank you for presenting the above mentioned project at the pre-application Technical Advisory Committee (TAC) meeting on April 21, 2016. Below is a summary of relevant issues that were discussed at the TAC meeting:

- Conceptual Plan required for Trenza
- Submittal to amend PD-2 to allow a Wireless Communication Facility as a **Permitted Use**
- Public Hearings required (Hearing Officer, Planning Commission, Board of County Commissioners)
- Pre Application Neighborhood Meeting required. Must include the following Registered Organizations (RO's):

RO-285ALL: HWY 285 South Sustainability Alliance
Kathryn Toll 505-466-1909 or 801-560-8014
65 Camino Acote
Santa Fe, NM 87508
kathryntoll@gmail.com

RO-San Marcos Association
Walter Wait 505-471-0645
48 Bonanza Creek Road
Santa Fe, NM 87508
waltwait@q.com

RO-Galisteo Mutual Domestic Water Consumers Association
Wayne King 505-466-3219
22 Avenida Vieja
Galisteo, NM 87540
ocmulgee@wildblue.net

RO-Ranchitos de Galisteo Water Users Association
Roger Taylor 505-466-3469
54 Camino de Los Angelitos
Galisteo, NM 87540
clearskynm@gmail.com



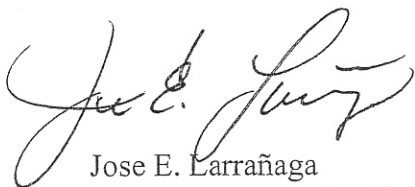
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October 11, 2018

- General requirements for Pre-Application Neighborhood meeting are outlined in Chapter 4, Section 4.4.4, of the SLDC including required notice.
- Notice Requirements for the Public Hearing are outlined in Chapter 4, Section 4.6 of the SLDC.
- Next submittal deadline for Conceptual Plan – 5/27/16, 9-11am.
- A separate Site Development Plan application shall be required for placement of a 36' Monopine (Permitted Use-Administrative Process).

If you have any questions, please do not hesitate to contact this office at 986-6296.

Sincerely,



Jose E. Larrañaga
Development Review Team Leader

NBA-35

**GALISTEO BASIN PRESERVE (TRENZA) – CONCEPTIONAL PLAN/ZONING
AMENDMENT NEIGHBORHOOD MEETING**

**Monday, May 16, 2016 6 pm – 7 pm
At the home of Susan Jory & John Liddell,
2 Southern Crescent Road
Lamy, NM 87540**

Meeting Notes

Ted Harrison, president of Commonweal Conservancy, the nonprofit owner of the Galisteo Basin Preserve, welcomed everyone to the meeting and thanked the participants for coming. Mr. Harrison also distributed copies of the Conceptual Plan/Zoning Amendment site plan to everyone in attendance.

I. Introduction

A) Location

For those who were unfamiliar with its location, Mr. Harrison explained that the Galisteo Basin Preserve encompasses 13,000 acres and is located on the former Thornton Ranch between US Highway 285 to the east and County Road 42 to the west. The Lamy escarpment frames the northern boundary of the Preserve and the southern boundary is the Burlington Northern Rail Line.

B) History

Mr. Harrison gave the participants a brief history of Commonweal Conservancy's involvement with the Preserve, starting with Santa Fe County's acquisition of the Thornton Ranch Open Space/Petroglyph Hill property located off of County Road 42 in 2001, while he was Southwest Regional Director of the Trust for Public Land. Commonweal was incorporated in 2003 and has been managing the land conservation work, neighborhood planning and trail development activities of the Preserve ever since.

C) GBP Neighborhoods + Trail Network

Next, Mr. Harrison outlined the four conservation neighborhoods that are located within the Preserve: New Moon Overlook, Southern Crescent, East Preserve and West Basin, as well as conservation ranch properties on the western side of the Preserve including the Flywheel Ranch.

He also described Commonweal's conservation easement work, which has permanently protected approximately 6,000 acres of wildlife habitat, cultural resources and scenic vistas at the Preserve, as well as the 26-mile, publicly-accessible trail network that is available for hiking, biking and horse-back riding.

D) History + Development Program for Trenza



Mr. Harrison then outlined the history and development program for Trenza, formerly known as the Village at Galisteo Basin Preserve. Specifically, he explained that Commonweal had received approval for a master plan amendment for Trenza from the Santa Fe Board of County Commissioners (BCC) in November 2015, which reduces the community's domestic units from 965 to 275 and scales back the commercial and civic uses from 150,000 square feet to 71,000 square feet.

He explained that the demand for master planned communities in Santa Fe since the economic downturn of 2008 has been dramatically reduced and Commonweal has made the determination that a smaller project will be better received by potential homebuyers. He indicated that the start date for construction of Trenza's initial development phase is still to be determined.

II. Conceptual Plan/Zoning Amendment to Build Communications Tower

A) Overview + Location

Mr. Harrison then described Commonweal's current conceptual/zoning amendment application that the organization will be submitting to Santa Fe County Development Review staff after the neighborhood meeting. The purpose of the application is to further amend Trenza's master plan approval to allow Verizon to construct a communications tower within the Galisteo Basin Preserve.

He told the group that Commonweal was required by county staff to submit a conceptual plan/zoning amendment application since a communications tower was not specifically included as a permitted use in the Trenza master plan amendment that was approved by the BCC in 2015. He also explained that Verizon has been looking up and down the U.S. Highway 285 corridor and the Lamy escarpment for some time trying to determine the best possible site to locate a tower that would provide improved communication services to households within the Galisteo Basin as well as the southern end of Eldorado.

The site that Verizon settled on is located on the southern edge of the Lamy escarpment within the Planned Development District for Trenza, the community's new zoning designation under the county's recently approved Sustainable Land Development Code and its zoning map.

The proposed tower will provide more reliable cell phone reception for homes located along the U.S. Highway 285 corridor to County Road 41, Lamy and parts of Galisteo.

B) Design Elements

Mr. Harrison showed the participants an enlarged copy of the communications tower site plan and pointed out the tower's location and the access road, which will provide a direct route to the tower site for construction purposes.

He then described the design characteristics of the tower:

- It will be designed as a “mono pine” – meaning it will be designed to look like a large pine tree to blend in with the pinon/juniper forested areas of the Preserve. The goal is to make the tower as unobtrusive as possible to trail users and the tower’s closest neighbors.
- Verizon will be the only provider that will be serviced by the tower.
- The tower will be 36’ tall.
- The communication facility will also include a 15’x’3’ structure at the base of the tower that will house its electronic equipment.

Mr. Harrison offered to send a photo simulation of the tower’s mono pine design to anyone who was interested in receiving it. As of this writing, no requests have been made.

C) Why Now?

Mr. Harrison explained that Commonweal is pursuing the conceptual plan/zoning amendment application in order to provide improved cell phone coverage and fiber optic connection to the Preserve’s homeowners, who have had to rely on very spotty and unreliable cell phone coverage and internet speeds.

He also pointed out that approximately 20,000 hikers, mountain bike riders and equestrians are currently using the Preserve’s trail network every year. Now that the trails are becoming better known, the organization feels it is important to improve cell phone coverage in the basin in order to enhance the safety of trail users.

Mr. Harrison added that the proposed communications tower will provide a robust fiber optic connection, which currently ends at Ranch Road to the north. The proposed tower will allow Commonweal to “light” the fiber optic cabling which runs under the Preserve roads. Once connected, these lines will improve Internet speeds that currently are as low as 1 megabit per second (Mbps) to as much as 50 Mbps to residents in the Preserve and the larger Galisteo Basin.

Questions

Mr. Harrison then ended his presentation and asked if anyone had any questions?

The following is a list of questions that were asked by the meeting participants:

Q: Will Commonweal receive any income from the tower?

A: Commonweal will receive a lease fee of \$1,200 per month. Verizon will also pay Commonweal approximately \$2,000 to offset costs the organization will incur to create a link to Century Link’s communications network, which will provide the backbone infrastructure.

Q: Is Verizon committed to this site?

A: Yes

Q: What is the timeline for the tower's construction?

A: On its current timeline, Commonweal expects to present its conceptual plan/zoning amendment application to the Santa Fe County Planning Commission in July 2016. If the application receives its approvals in a timely manner, Verizon estimates that the tower could be built by the end of 2016.

Q: What is the timing for the construction of Trenza?

A: At this point, Commonweal has not determined a date when construction of homes at Trenza will start.

Q: What is the water source for Trenza?

A: Water for Trenza's initial development phases will be provided by a municipal grade well, called Village Well Number 1, located in an open space area to the west of the New Moon Overlook neighborhood. This is a productive well, which provides 80 gallons of water per minute. Water for the later development phases of Trenza will either be provided by tying in to a water line provided by Santa Fe County or by two additional wells, whose locations are still to be determined. Water storage tanks for Trenza that will hold 500,000 gallons will be located in the same area as the Preserve's existing water storage tanks.

Q: Is anyone worried about what the tower will look like?

A: Marilyn Harrison, one of the Preserve landowners, answered this question by saying that she saw a mono pine communications tower in Memphis, which she felt blended in to the environment very well and was not easily recognizable as a tower.

Mr. Harrison added that the structure at the base of the tower that will hold the electronic equipment would be built into the slope of the site so it should not be intrusive.

Q: What are the next steps?

A: On the current timeline, the application will be presented to the Santa Fe County Planning Commission in July 2016 and then to the Santa Fe Board of County Commissioners (BCC) in either August or September 2016. Verizon estimates that the tower's construction could be complete by the end of 2016.

Mr. Harrison asked if anyone objected to the application and no one raised his/her hand.

Mr. Harrison then thanked everyone for coming and the meeting ended at 7:15 pm.

GALISTEO BASIN PRESERVE (TRENZA) - CONCEPTUAL PLAN/ZONING AMENDMENT NEIGHBORHOOD MEETING
 at the home of Susan Jory & John Liddell
 2 Southern Crescent Road, Lamy, NM 87540

Monday, May 16, 2016, 6 pm - 7 pm

Sign-In Sheet

| Name | Address | Email | Signature |
|--------------------------|------------------------|---------------------------|-----------|
| 1. Sue & Henry McCormick | Susan-blaise@yahoo.com | | |
| 2. Kelly & Greg Miller | 15 Silver Sage | 17 Riverbank Rd | |
| 3. Susan Jory | | | |
| 4. Marilyn Hertz | 90 Thornton Ranch Road | | |
| 5. Charles S. Hertz | 90 Thornton Ranch Rd. | charles@claybrook.com | |
| 6. Ted Harris | 2112 Pico del Monte SE | thomson@necog.org | |
| 7. Gretchen Givens | 2117 Chulsa Ln | gretchen.givens@gmail.com | |

~~d. address other matters as necessary to implement the purpose and intent of this Section.~~

~~4. **Granting Relief.** In order to avoid an unconstitutional result and to provide an owner with an economically viable use and value of property pursuant to this Section, the Hearing Officer may recommend and the Board may allow for the minimum additional use(s), density, or relief necessary to alleviate any unconstitutional taking or deprivation. Such relief, to the extent practicable, be consistent with the SGMP, SLDC, or applicable area, district or community plan.~~



4.9.9 Conceptual Plan. For approval of certain large scale and phased development as set forth below.

4.9.9.1. Purpose. A conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports.

4.9.9.2. Applicability A conceptual plan is required for the following developments:

1. all subdivisions containing more than 24 lots;
2. all developments in MU, P/I, I, IL, CG, CN that are to be built in phases;
3. all new PD developments; and
4. all development in the CCD in accordance with Section 8.10.3 of this SLDC.

4.9.9.3. Application. An applicant may apply for a conceptual plan by filing an application with the Administrator. A conceptual plan shall include any SRAs required pursuant to Table 6-1 in Chapter 6. The minimum area which must be included in a conceptual plan application is the entire property owned by the applicant or the portion of the property within the zoning district under which the application is being made.

4.9.9.4. Review. The application shall be referred to the Planning Commission and/or Board for the holding of a quasi-judicial public hearing in accordance with the procedures in Table 4-1.

4.9.9.5. Phasing. The conceptual plan shall establish the phasing of a development.



4.9.9.6. Approval Criteria. The criteria for approval of a conceptual plan are as follows:

1. conformance to the Sustainable Growth Management Plan;
2. viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and
3. conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

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4.9.9.7. Conditions. Conditions may be imposed in addition to any general standard specified in the SLDC or the SGMP, as may be deemed necessary.

4.9.9.8. Amendments. An amendment is a request for any enlargement, expansion, greater density or intensity, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid conceptual plan.

1. Minor Amendments. Shifts in on-site location and changes in size, shape, intensity, or configuration of less than five percent (5%), or a five percent (5%) or less increase in either impervious surface or floor area, over what was originally approved or a decrease in intensity or decrease in lots, may be approved by the Administrator, provided that such changes comply with the following criteria:

a. no previous minor amendment has been previously granted pursuant to this Section;

b. nothing in the currently valid conceptual plan precludes or otherwise limits such decrease, expansion or enlargement;

c. the proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP; and

d. in the case of a decrease in intensity or decrease in lots, the overall layout, design and services proposed must be in conformance with the originally approved conceptual plan.

2. Major Amendments. Any proposed amendment, other than minor amendments, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original conceptual plan approval.

4.9.9.9. Recording Procedures. The conceptual plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk.

4.9.9.10. Expiration of a conceptual plan. The development order granting a conceptual plan shall expire after five (5) years, but may be extended by the Board for up to two (2) additional years at a time. If a phasing schedule is approved, the conceptual plan expiration shall be in accordance with that phasing schedule.

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~~8.10.4. Planned Traditional Neighborhood Development (PD-TND). Reserved.~~

~~8.10.5. Planned Neighborhood Center (PD-NC). Reserved.~~

~~8.10.6. Planned Regional Center (PD-RC). Reserved.~~

~~8.10.7. Planned Campus/Opportunity Center (PD-C/O). Reserved.~~

~~8.10.8. Planned Transit Oriented Development (PD-TOD). Reserved.~~

~~8.10.9. Planned Conservation Subdivision (PD-CS). Reserved.~~

➔ **8.10.10. Existing Approvals Identified as PDs.**

8.10.10.1. In order to recognize existing approvals, that do not fit into a base zoning district, the following developments that have received master plan approval prior to the effective date of this SLDC are identified on the zoning map and listed below:



1. Galisteo Basin Preserve (PD-2).
2. Aldea (PD-3).
3. Tessera (PD-4).
4. Bishops Lodge Resort (PD-5).
5. The Downs at Santa Fe (PD-6).
6. Tavelli Mixed Use Subdivision (PD-7).
7. Santa Fe Canyon Ranch (PD-8).
8. Cimarron Village (PD-9).
9. Saint Francis South Business Park (PD-10).
10. Avanti Business Park/Santa Fe Metro Center (PD-11).
11. Sunrise Springs Resort (PD-12).
12. Santa Fe Horse Park (PD-13).
13. Ten Thousand Waves Spa and Resort (PD-14).
14. Rancho Encantado Resort (PD-15).
15. Las Campanas (PD-16).



8.10.10.2. The above approved developments shall be developed in accordance with, and governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan.



8.10.10.3. Expansion of existing PDs. An expansion of an existing PD is a request for any enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project's size or density, or modification of any condition of a previously approved

and currently valid PD. There are two types of PD expansion, a Major Expansion and a Minor Expansion.

1. Minor Expansion. Shifts in on-site location of the development and changes in non-residential size, shape, intensity, or configuration of less than twenty-five percent (25%) of impervious surface or floor area over what was originally approved, may be authorized under a conditional use permit, provided that such expansion complies with the following criteria:

- a. No minor expansion has been previously granted pursuant to this Section;
- b. The expansion is consistent with the scope of the approved development; and
- c. The proposed expansion conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

2. Major Expansion. Any proposed expansion, other than minor expansion, including an increase in residential subdivision density, shall require the submission of a new PD application or rezoning request.

3. Relaxation of Development Percentages. Any expansion of an existing PD may not be required to comply with the maximum and minimum percentages for residential and non-residential uses identified in table 8-19.

8.11. OVERLAY ZONES.

8.11.1. Generally. Overlay zones address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

8.11.2. Rural Commercial Overlay (O-RC).

8.11.2.1. Intent. The Rural Commercial Overlay zone (O-RC) accommodates the development of agriculture business, commercial, service-related, and limited industrial activities that have adequate facilities and would not cause a detriment to any abutting rural residential lands. This zone is appropriate for areas where such development should logically locate because of established land use patterns, planned or existing public facilities, and appropriate transportation system capacity and access. Although this zone allows a mixture of land uses, there are controls intended to minimize or buffer any nuisances caused by such land uses.

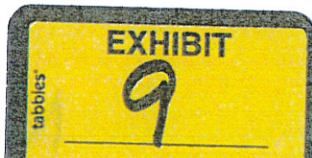
8.11.2.2. Location. The Rural Commercial Overlay is appropriate for use in the A/R, RUR, RUR-F, RES-F, RUR-R, RES-E, RES-C, and TC districts.

8.11.2.3. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the Rural Commercial Overlay upon the issuance of a development permit:

Table 4-1: Procedural Requirements by Application Type

| Application Type | Discretionary review? | Application Requirements | | | Review/Approval Process | | | | |
|--|-----------------------|-----------------------------|--------------------------------------|-------------------------------|-------------------------|---------------------------|-------------------|---------------------|--------------|
| | | Pre-application TAC meeting | Pre-application neighborhood meeting | Studies, reports, assessments | Agency review | Approval by Administrator | Hearing required? | | |
| | | | | | | | Hearing Officer | Planning Commission | BCC |
| Development permit: residential | no | no | no | no | as needed | yes | no | no | no |
| Development permit: non-residential, mixed use & multi-family | no | yes | as needed | see Table 6-1 | as needed | yes | no | no | no |
| Land divisions, subdivision exemptions and other plat reviews | no | no | no | no | as needed | yes | no | no | no |
| Family transfer | no | no | no | no | as needed | yes | no | no | no |
| Temporary use permit | no | no | no | no | as needed | yes | no | no | no |
| Minor subdivision - final plat, 5 or fewer lots | no | yes | no | see Table 6-1 | as needed | yes | no | no | no |
| Minor subdivision - final plat, more than 5 lots | yes | yes | no | see Table 6-1 | as needed | no | no | no | yes |
| Major subdivision - preliminary plat | yes | yes | yes | see Table 6-1 | yes | no | no | no | yes |
| Major subdivision final plat | yes | yes | No | no | no | no | no | no | yes |
| Conceptual plan for subdivision - phased or over 24 lots, phased MU, I, IL, CG, CN | yes | yes | Subdivision - yes Others - no | see Table 6-1 | as needed | no | no | no | yes |
| Conceptual plan PDD, CCD | yes | yes | yes | see Table 6-1 | yes | no | yes | yes | yes |
| Vacation of subdivision plat | yes | no | no | no | as needed | no | no | no | yes |
| Conditional use permit | yes | yes | as needed | see Table 6-1 | as needed | no | yes | yes | no |
| DCI Conditional use permit | yes | yes | yes | yes | yes | no | yes | yes | no |
| Variance | yes | yes | as needed | no | as needed | no | yes | yes | no |
| Time extension | yes | no | no | as needed | as needed | no | no | no | yes |
| Planned development district | yes | yes | yes | see Table 6-1 | yes | no | yes | yes | yes |
| Overlay zones | yes | yes | yes | no | as needed | no | yes | yes | yes |
| DCI overlay zones | yes | yes | yes | yes | yes | no | yes | yes | yes |
| Zoning map amendment (rezoning) | yes | yes | yes | see Table 6-1 | as needed | no | yes | yes | yes |
| Text amendment | yes | yes | no | no | as needed | no | no | yes | yes |
| Area, district community plan, or plan amendment | yes | yes | yes | no | as needed | no | no | yes | yes |
| Beneficial use determination | yes | yes | no | no | no | no | yes | no | yes |
| Appeals | See Sec. 4.5 | no | no | no | no | no | no | See Sec. 4.5 | See Sec. 4.5 |

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| Use | Function | Structure | Activity | Agriculture/Ranching | Rural | Rural Fringe | Rural Residential | Residential Fringe | Residential Estate | Residential Community | Traditional Community | Commercial Neighborhood | Mixed Use | Commercial General | Industrial General | Industrial Light | Public Institutional | Planned Development | Special Conditions |
|---|----------|-----------|----------|----------------------|-------|--------------|-------------------|--------------------|--------------------|-----------------------|-----------------------|-------------------------|-----------|--------------------|--------------------|------------------|----------------------|---------------------|--------------------|
| Septic tank service, repair, and installation business | 4346 | | | X | X | X | X | X | X | X | C | C | C | P | P | P | X | P | |
| Household hazardous waste collection facility | | | | C | C | C | X | X | X | X | C | X | C | C | P | C | X | P | |
| Hazardous waste storage facility | | 6340 | | C | C | C | X | X | X | X | X | X | X | X | C | X | X | P | |
| Hazardous waste treatment and disposal facility | | | | C | C | C | X | X | X | X | X | X | X | X | C | X | X | P | |
| Sewage treatment plant and disposal facilities | | 6350 | | C | C | C | C | C | C | C | C | X | C | C | C | C | C | P | |
| Gas or electric power generation facility | | 6400 | | C | C | C | X | X | X | X | X | X | X | X | C | C | C | P | |
| New Wireless Communication Facility/Modification of existing wireless communication facility with substantial changes | | 6500 | | C | C | C | C | X | X | X | X | X | C | C | C | C | C | C | |
| Modification of existing wireless communication facility with no substantial changes/Collocation | | 6500 | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Roof Mounted/Surface Mounted/Stealth | | 6500 | | P | P | P | P | C | C | C | C | P | P | P | P | P | P | P | |
| Amateur radio antenna | | 6510 | | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Weather stations | | 6520 | | P | P | P | C | X | X | X | C | A | P | P | P | P | P | P | |
| Environmental monitoring station (air, soil, etc.) | | 6600 | | P | P | P | P | P | P | P | P | A | P | P | P | P | P | P | |



NBA 46

Jose Larranaga

From: Dianna Suslo <diannas18@gmail.com>
Sent: Tuesday, November 06, 2018 10:56 AM
To: Jose Larranaga

Hello

As a land owner in Southern Crescent, I am writing to say that I have concerns about the health impact of bringing a cell tower in rather close to where I plan to be living.

Best

Dianna Suslo
(505) 983-8513 (h)
(602) 770-4843

Your body is boundless. It is channeling the energy, creativity, and intelligence of the entire universe. The design is divine.



NBA-55

Jose Larranaga

From: Dianna Suslo <diannas18@gmail.com>
Sent: Wednesday, December 12, 2018 8:29 AM
To: Jose Larranaga

Hello Jose Larra

The other reason I am opposed to the cell tower in the Galisteo Basin Preserve, is that my understanding is that it is going to be right next to the water source. As far as I know there are no studies showing that it is safe to have a radiation source next to a neighborhood's water source.

There is evidence that cell towers are bad for wildlife, for instance confusing bees so they dont know which direction to fly.

I love the Preserve and plan to build my home and live a healthy life there.

Dianna Suslo
(505) 983-8513 (h)
(602) 770-4843

Your body is boundless. It is channeling the energy, creativity, and intelligence of the entire universe. The design is divine.

Sustainable Land Development Code
Hearing Officer Meeting
November 8, 2018
CASE NO. SCSD 18-5190
Commonweal Conservancy, Applicant

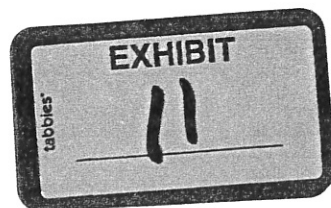
RECOMMENDED DECISION AND ORDER

THIS MATTER came before the Sustainable Land Development Code ("SLDC") Hearing Officer for a hearing on November 8, 2018, on the request ("Application") of the applicant Commonweal Conservancy, ("Applicant"), and Ted Harrison as agent, for an amendment of a Conceptual Plan to allow a 36 foot communications tower and associated switching infrastructure ("Cell Tower") as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District (PD-2). The Cell Tower is proposed to be located on Lot 22 which comprises 468.08 acres. Lot 22 is located at 99 Astral Valley Road within T15N, R10E, Section 31, SDA-2 (Commission District 3). The Cell Tower site would be accessed from Astral Valley Road via US 84-285. The Hearing Officer, having reviewed the Application and staff report, and having conducted a public hearing on the Application, finds that the Application should be approved, and makes the following findings of fact and conclusions of law:

BACKGROUND

The Applicant acquired the property by warranty deed recorded as Instrument #1377758 in the Santa Fe County Clerk's records dated April 29, 2005.

On June 12, 2007, the Village at Galisteo Basin Preserve ("Trenza Master Plan") was approved by the Board of County Commissioners (BCC). On December 10, 2015, the BCC approved an amendment to the Master Plan to reduce the density from 965 residential units and



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150,000 square feet of commercial, educational and civic land uses to allow 275 residential units and 71,000 square feet of commercial, educational and civic land uses.

The 2007 and 2015 approvals did not address Cell Towers as an allowed use. On December 8, 2015, with the implementation of the Sustainable Land Development Code (SLDC), the 2,502-acre planning envelope associated with the approved Master Plan was designated as a Planned Development District (PD-2).

SLDC, Section 8.10.10 applies to existing approvals identified as Planned Districts (PDs).

Section 8.10.10.1. states, "in order to recognize existing approvals, that do not fit into a base zoning district, the following developments (Galisteo Basin Preserve) that have received master plan approval prior to the effective date of this SLDC are identified on the zoning map..."

Section 8.10.10.2. states, "... developments (inclusive of PD-2) shall be developed in accordance with, and governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan."

The Applicant is requesting approval of an amendment to the Conceptual Plan to allow a 36 foot tall (mono pine) communications tower (and its associated switching infrastructure) as an allowed use within the Galisteo Basin Preserve/Trenza Planned Development District (PD-2).

On April 21, 2016, as required by Table 4-1 and Section 4.4.3 of the SLDC the Applicant presented the proposed Conceptual Plan amendment to the Technical Advisory Committee ("TAC") at the regularly scheduled bi-monthly meeting. Exhibit 6 to the County Staff Report.

On May 16, 2016, as required by Table 4-1 and Section 4.4.4 of the SLDC, the Applicant conducted a pre-application neighborhood meeting. The Applicant notified 55 individuals by certified mail and 7 individuals attended the meeting. The Applicant presented the history of the development and presented the proposal for an amendment of the Conceptual Plan to allow a 36

foot tall communications tower (and its associated switching infrastructure). No one in attendance opposed the proposal. Exhibit 7 to the County Staff Report.

The notice requirements of Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC were met. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on October 24, 2018. Additionally, notice of hearing was published in the legal notice section of the *Santa Fe New Mexican* on October 24, 2018, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and four Registered Organizations (ROs). A list of persons and ROs sent a mailing is contained in the record. Exhibit 10 to the County Staff Report.

SLDC REQUIREMENTS

The Applicant and County Staff addressed the Conceptual Plan review criteria set out in Section 4.9.9 of the SLDC as follows:

- 1. conformance to the Sustainable Growth Management Plan;*

Applicant Response:

“Commonweal Conservancy’s amendment to its Trenza master plan/conceptual plan (aka Village at the Galisteo Basin Preserve) involves a request for development of a 36’ communications tower in the northeast quadrant of Lot 22, a portion of Commonweal’s approved development envelope for the proposed 275-unit mixed-use/mixed income community. The proposed communications tower will provide new and improved communications capabilities for residents and businesses located within the northern Galisteo Basin (i.e., GBP neighborhoods, Lamy, Galisteo), travelers along US 285 and County Road 41, as well as for recreational users of the Galisteo Basin Preserve trail network.

Within the larger narrative and provisions of the SLDC, Santa Fe County encourages public and private investment in communications infrastructure to:

- i) ensure fast, stable and robust mobile communications for residents,

businesses, and county, state and federal emergency response agencies; and ii) advance the County's economic and community development goals by improving the speed and reliability of suburban and rural communications networks to bolster existing and new business development. The proposed communications tower is designed to measurably improve the quality and reach of cellular service to mobile communication customers in this critically underserved region of rural Santa Fe County.

Planned Development Districts (PDD) allows for the development of communications towers as a permitted use. In its 2008 and 2012 master plan application detailing Trenza's proposed development uses and densities, however, Commonweal neglected to specify communications tower(s) in its list of expected land uses. This application redresses that omission without compromising the intent and purposes of the original project development plan and zoning allowances therein provided."

Staff Response:

"The proposed Conceptual Plan conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP. The proposed use will be accommodating the growing need and demand for wireless communication services in this area. The proposed use will not change the residential size, non-residential size, shape, intensity, or configuration of the existing Planned Development District (PD-2)."

2. *viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed;*

Applicant Response:

"This application for an amendment to the Trenza Master Plan (aka Conceptual Plan) can be developed independently of any other phase of the existing approved development plan. Indeed, the construction of the communication tower will provide critical communications infrastructure in advance of any proposed development of housing, public facilities or commercial facilities that are proposed and approved for development within the existing Trenza PDD."

Staff Response:

"The proposed communications tower will function independently within the leased area and will not interfere with the development of the 275 residential units and 71,000 square feet of commercial, educational and civic land uses. The site is located a fare distance from any of the proposed PD-2 development. Other than routine maintenance of the proposed wireless communication facility no other activities or development will occur in close proximity to the site."

3. *conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.*

Applicant Response:

“This application for an amendment to the Trenza Master Plan (aka Conceptual Plan) conforms to all state and federal laws, and existing County ordinances, with respect to communications infrastructure design and development. Separate from this Conceptual Plan Amendment application, the Applicant will file all required development applications and licensing applications to the relevant federal, state and local governing bodies for review and approval. Only with those approvals secured will the development of the communications tower proceed to construction and, subsequently, operation.”

Staff Response:

“The proposed use is a Permitted Use (Stealth – mono pine) or a Conditional Use (mono pole) within a Planned Development District as per Appendix B: Use Matrix. The proposed use shall comply with all criteria set forth in the SLDC prior to approvals of the development. The proposed use will not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements.”

The applicable requirements under the SLDC, which govern this application and have been addressed as summarized above are:

Section 4.9.9 Conceptual Plan.

Sections 8.10.10.1 and 8.10.10.2 Existing Approvals Identified as Planned Districts (PDs)

Section 8.10.10.3 Expansion of existing PDs.

Table 4-1 Procedural Requirements by Application Type

PUBLIC HEARING

At the public hearing, Mr. Jose Larrañaga presented the County Staff Report on the Application.

Staff recommended approval of the Application, with the following conditions: